

Effective 5/10/2016

31A-2-212 Miscellaneous duties.

- (1) Upon issuance of an order limiting, suspending, or revoking a person's authority to do business in Utah, and when the commissioner begins a proceeding against an insurer under Chapter 27a, Insurer Receivership Act, the commissioner:
 - (a) shall notify by mail the producers of the person or insurer of whom the commissioner has record; and
 - (b) may publish notice of the order or proceeding in any manner the commissioner considers necessary to protect the rights of the public.
- (2) When required for evidence in a legal proceeding, the commissioner shall furnish a certificate of authority of a licensee to transact the business of insurance in Utah on any particular date. The court or other officer shall receive the certificate of authority in lieu of the commissioner's testimony.
- (3)
 - (a) On the request of an insurer authorized to do a surety business, the commissioner shall furnish a copy of the insurer's certificate of authority to a designated public officer in this state who requires that certificate of authority before accepting a bond.
 - (b) The public officer described in Subsection (3)(a) shall file the certificate of authority furnished under Subsection (3)(a).
 - (c) After a certified copy of a certificate of authority is furnished to a public officer, it is not necessary, while the certificate of authority remains effective, to attach a copy of it to any instrument of suretyship filed with that public officer.
 - (d) Whenever the commissioner revokes the certificate of authority or begins a proceeding under Chapter 27a, Insurer Receivership Act, against an insurer authorized to do a surety business, the commissioner shall immediately give notice of that action to each public officer who is sent a certified copy under this Subsection (3).
- (4)
 - (a) The commissioner shall immediately notify every judge and clerk of the courts of record in the state when:
 - (i) an authorized insurer doing a surety business:
 - (A) files a petition for receivership; or
 - (B) is in receivership; or
 - (ii) the commissioner has reason to believe that the authorized insurer doing surety business:
 - (A) is in financial difficulty; or
 - (B) has unreasonably failed to carry out any of its contracts.
 - (b) Upon the receipt of the notice required by this Subsection (4), it is the duty of the judges and clerks to notify and require a person that files with the court a bond on which the authorized insurer doing surety business is surety to immediately file a new bond with a new surety.
- (5)
 - (a) The commissioner shall report to the Legislature in accordance with Section 63N-11-106 before adopting a rule authorized by Subsection (5)(b).
 - (b) The commissioner shall require an insurer that issues, sells, renews, or offers health insurance coverage in this state to comply with PPACA and administrative rules adopted by the commissioner related to regulation of health benefit plans, including:
 - (i) lifetime and annual limits;
 - (ii) prohibition of rescissions;
 - (iii) coverage of preventive health services;
 - (iv) coverage for a child or dependent;

- (v) pre-existing condition limitations;
 - (vi) insurer transparency of consumer information including plan disclosures, uniform coverage documents, and standard definitions;
 - (vii) premium rate reviews;
 - (viii) essential health benefits;
 - (ix) provider choice;
 - (x) waiting periods;
 - (xi) appeals processes;
 - (xii) rating restrictions;
 - (xiii) uniform applications and notice provisions;
 - (xiv) certification and regulation of qualified health plans; and
 - (xv) network adequacy standards.
- (c) The commissioner shall preserve state control over:
- (i) the health insurance market in the state;
 - (ii) qualified health plans offered in the state; and
 - (iii) the conduct of navigators, producers, and in-person assisters operating in the state.
- (d) If the state enters into an agreement with the United States Department of Health and Human Services in which the state operates health insurance plan management, the commissioner may:
- (i) for fiscal year 2014, hire one temporary and two permanent full-time employees to be funded through the department's existing budget; and
 - (ii) for fiscal year 2015, hire two permanent full-time employees funded through the Insurance Department Restricted Account, subject to appropriations from the Legislature and approval by the governor.

Amended by Chapter 138, 2016 General Session